

REMARKS

This is a full and timely response to the Official Action mailed January 10, 2007. It is timely in view of the Petition for Extension of Time presented concurrently herewith. Reconsideration of the rejections set forth therein in light of the following remarks are courteously requested.

Claims 6-17 and 22-33 are pending for the Patent and Trademark Office's consideration. Claims 16 and 31-33 have been amended to include the term "substantially anhydrous lubricant" and to use it consistently in the claims. Claims 7, 9 and 13-15 have been amended to clarify the definition of the invention and rectify any improper claim dependency. Support for these amendments can be found throughout the Specification, particularly, on page 9, lines 13-14. Claims 34-37 have been added and find basis in the foregoing and in original claims 1-27. No new matter has been added.

Applicants wish to thank Examiner for indicating that claims 22-24 are now allowable. The Office Action also indicated that claims 8, 14, 17 and 27 would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims. New claims 34-37 reflect the effort to embody the subject matter of claims 8, 14, 17 and 27 in this way.

The Office Action of January 10, 2007 objected to claims 9-15 on the basis that each of these claims depends from canceled claim 1. [Office Action, p. 2] Applicants respectfully request reconsideration of this objection in view of the foregoing amendments to the claims that correct the claim dependency.

The Office Action of January 10, 2007 rejected claims 6, 7, 9-13, 15, 16, 25, 26 and 28-33 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,139,848 to Ahmad et al. as set forth in the Office Action at page 2:

Ahmad et al disclose lubricant compositions suitable for vaginal applications. These compositions are taught as comprising polyhydric alcohol in amounts of up to 90 wt%. The addition of cellulose derivatives in amounts of 0.1 to 2% is taught. This latter component is seen as meeting the limitation to an insulating component. The further addition of antimicrobials and spermicides is also disclosed.

Applicants' limitations to heat release are seen as inherent to the compositions of the reference since the amounts and identity of the polyhydric alcohols are equivalent. [Office Action, p. 2]

Applicants respectfully request reconsideration of this rejection in light of the ensuing discussion.

As set forth in independent claims 6, 16, 25 and 31-33, the compositions of applicants' invention relate to a ***substantially anhydrous lubricant*** composition and various methods of using. The composition of applicants' invention contain at least one polyol. Upon exposure to moisture, the compositions of applicants' invention increase in temperature by at least about 5°C and exhibit an Energy Release Index of at least about 11 mJ/mg. Ahmad et al. neither suggests nor discloses a substantially anhydrous lubricant composition.

Ahmad et al. relates to a “stable personal lubricant composition containing at least one water soluble polyhydric alcohol, a water soluble polymer derived from cellulose, tocopherol or a tocopherol derivative, an emulsifier and water.” [Ahmad, Abstract]. Ahmad et al. contemplates the presence of water in the composition, as follows:

Water functions to provide the appropriate pH, consistency and viscosity to the composition. The compositions of this invention can be used to moisturize mucous membranes by delivering water as moisturizer. [Ahmad et al., col. 4, l. 5-9]

In Example 1 of Ahmad, for instance, the amount of water added is 52.035%. In Example 2, the total amount of water added is 53.55% weight/weight.

Applicants respectfully submit that Ahmad et al. does not teach or suggest the compositions and methods of the claimed invention. As set forth in the claims, the compositions of this invention are **substantially anhydrous**:

The compositions of this invention are substantially anhydrous, preferably containing less than about 20% water, more preferably containing less than about 5% water and, most preferably, containing less than about 3% water. [Specification, p. 11, l. 1-4].

In contrast, Ahmad utilizes water to provide the appropriate pH, constancy and viscosity to the compositions therein. In the two examples, the amount of water added is greater than 50%.

Furthermore, nowhere does Ahmad et al. suggest or describe compositions that generate warmth upon exposure to moisture. In contrast, the compositions of applicants' invention

unexpectedly generate considerable warmth upon exposure to water, as set forth in the table at page 27, l. 20-25 using the mechanism of "heat of solution" [Specification, page 23, l. 15-26].

Applicants respectfully submit that a document can only anticipate a claim if the document discloses, explicitly or implicitly, each and every feature recited in the claim. Because the cited Ahmad et al. patent does not disclose, either explicitly or implicitly, at least the above-noted feature recited in independent claims 6, 16, 25 and 31-33, applicants respectfully submit that it cannot anticipate these claims. Furthermore, Ahmad et al. does not teach or suggest the features set forth in claims 7, 9-13, 15, 26 and 28-30. In view of the foregoing discussion, applicants therefore respectfully request reconsideration of the rejections over Ahmad et al. under 35 U.S.C. 102.

An early allowance is courteously solicited.

If the Examiner has any comments or suggestions regarding this Amendment or the above-captioned patent application, the Examiner is requested to telephone the undersigned Attorney at the below-listed number.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750.

Respectfully submitted,

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